REMARKS

In response to the Office Action of October 11, 2005, the Applicant comments as follows:

Rejection Under 35 USC § 103(a):

Claims 1-2, 4-5, 7, 10-12 and 14-16 currently stand rejected under 35 USC § 103(a) as being obvious in light of US Patent No. 5460306 (hereinafter "Rudd"), when considered in view of US Patent No. 6089524 (hereinafter "Lai"). The Action has been made FINAL. However, the Applicant respectfully traverses this rejection in view of the amendments made herein

It is noted that the Examiner has indicated that Rudd provides a fishing rod holder in which the longitudinal axis of the fishing rod is prevented from rotation by portion 30, as seen in Figure 2, which engages with the holder and which is substantially perpendicular to the vertical axis. However, the rod portion of the fishing rod of Rudd is parallel to the vertical axis of the elongate member. As such, in the Rudd device, the rod portion of the fishing rod is parallel to the vertical axis of the elongated member, and the portion seen at 30 in Figure 2, which is a stem to hold the reel onto the rod portion, merely prevents the rod portion of the fishing rod from twisting around its longitudinal axis or moving in a direction parallel to the elongated member.

In the present invention as currently claimed, the elongated member grasps the rod along the rod portion so the longitudinal axis of the rod portion is perpendicular to the vertical axis of the elongated member. In this configuration, the rod portion cannot be rotated about the vertical axis of the elongated member.

Further, it is now clearly stated that it is the rod portion of the fishing rod which is fitted and held within the elongated member, and which is utilized to prevent the rod portion from rotation. In contrast, the Rudd device uses the stem used to hold the reel on the rod in order to prevent the rod from being removed from the elongated member, and also acts to prevent twisting of the fishing rod. As such, the elongated member in Rudd

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does not grasp the rod portion, per se, and clearly does not grasp a perpendicular rod portion.

These differences between the two devices are clearly seen in Figure 2 of the Rudd, and Figure 4 of the present application.

In the Rudd device, the longitudinal axis of the rod portion of the fishing rod is parallel to the vertical axis of the elongated member. In the present application, the longitudinal axis of the rod portion of the fishing rod is perpendicular to the vertical axis of the elongated member. This difference in orientation allows the fishing rod to be much more quickly removed from the holder, and allows the fisher to "set" the hook in a smooth action rather than the disjointed action required when using the Rudd device (as was described in the response of August 10, 2005). In particular, Rudd must move the fishing rod in a direction parallel to the longitudinal axis of the rod portion of the fishing rod in order to remove the fishing rod from the holder. This is a direct result of the difference in the orientation of the rod portion in the elongated member.

The difference in the orientation of the rod portion is now clearly claimed in Claim 1 in that the longitudinal axis of the rod portion of the fishing rod must now be perpendicular to the vertical axis of the elongated member. As such the claim is now clearly differentiated from the Rudd disclosure. Further, there is nothing in Rudd to suggest that the rod portion can be positioned in the Rudd holder in the manner taught in the present invention.

With respect to the document of Lai, it is again noted that the Lai device merely provides a pivoting support member in which a pivoting tube is provided in which a fishing rod handle can be rested. The pivoting tube rests on a seat attached to a mounting bracket. To remove the fishing rod, the user must first push downward on the back end of the tube in order to cause the tube to rotate away from the seat. Once rotated away, the user can grab the fishing rod handle, and move it relatively upwards or forwards to release it from the device. Once released, the fisherman must pull backwards, or continue further upwards to set the hook. Accordingly, Lai also requires a multi-step approach to removal of the fishing rod, and then setting the hook.

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With respect, it is not seen how the Lai document would lead the skilled artisan to modify the Rudd document to achieve the device taught in the present invention. Similar to Rudd, Lai also describes a system wherein the handle section of a fishing rod is positioned within the elongated member holding tube of Lai so that the longitudinal axis of the rod portion is again parallel to the elongated member. Lai provides for rotation of the elongated member (or tube) away from the seat, in order to facilitate removal of the fishing rod from the tube. However, Lai must also remove the rod from the tube by first pulling the fishing rod along the direction of the longitudinal axis of the rod portion of the fishing rod.

As such, Lai is closer to the teaching of Rudd than the present invention in that Lai does not grasp the rod portion of the fishing rod so that the longitudinal axis of the rod portion is perpendicular to the elongated member (or tube), and thus must, at some point, pull the fishing rod from the tube by moving the fishing rod along the longitudinal axis of the rod portion of the fishing rod.

The combination of Rudd with the Lai device would therefore not lead the skilled artisan to the present invention since neither Rudd or Lai provide a system wherein the rod portion of a fishing rod is held in a holder so that the longitudinal axis of the rod portion is perpendicular to the vertical axis of the holder. Further, neither Rudd nor Lai suggest or provide any motivation for the skilled artisan to provide the particular arrangement described and claimed by the Applicant. As such, the Applicant contends that the present invention, as currently claimed, is not obviously in light of the cited prior art.

With respect to the remaining claims, the Applicant contends that they are all directly or indirectly dependent from an allowable Claim 1, and therefore, all of the dependent claims are now allowable.

In particular, Claims 8 and 9 also stand as being rejected over Rudd as modified by Lai, and further in view of US Patent No. 4,656,774 (hereinafter "Terrill"). It is noted that Claim 8 is directly dependent on allowable Claim 1, and therefore the Applicant contends that Claim 8 and 9 are therefore also allowable in the present application, since

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the Applicant contends that the combination of Terrill to Rudd and/or Lai, would not lead the skilled artisan to the present invention since there is nothing in either Rudd, Lai or Terrill to lead the skilled artisan to the fishing rod support of the present invention.

The Examiner also comments that the previous claims did not provide a limitation that was lacking in the Rudd device. The present claims now clearly provide that the rod portion of the fishing rod is perpendicular to the elongated member. This is clearly different from the Rudd device, and Rudd's method of grasping the stem of the reel attached to the rod, would clearly not fall within the scope of the present claim since the rod portion of the fishing rod is not perpendicular to the axis of the elongated member.

Further, the Lai document does not disclose pulling upwards on the rod will release the fishing rod since it is clear from the figures that Lai must first rotate the tube of the elongated member before the rod can be released from the holder by pulling up on the rod in the direction of the longitudinal axis of the rod portion of the fishing rod. This is clearly different from the present invention wherein the user removes the fishing rod by pulling upwards on the fishing rod in a direction that this perpendicular to the longitudinal axis of the rod portion of the fishing rod. The different methods of use are clearly mandated by the different orientation of the rod portions within the elongated member.

Further, Lai does not grasp the fishing rod so that, in use, the rod portion of the fishing rod is perpendicular to the elongated member (or tube). Thus, the Lai document would also not fall within the scope of the present claim.

Given these differences, the Applicant contends that the skilled artisan would not combine the two documents to provide the invention taught in the present application.

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As a result, in view of the amendments made herein and the comments presented hereinabove, the Applicant contends that the present invention is now allowable, and early notification to that effect is respectfully requested.

Respectfully submitted,
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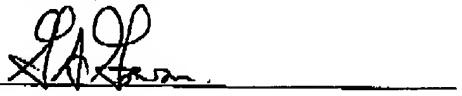

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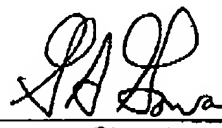

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